

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JOHN G. KIMBRELL,

Plaintiff ,

vs.

CIVIL NO. 12-1184 WDS/LFG

CHAVES COUNTY CLERK, CHAVES
COUNTY COMMISSION, JAMES
COON, Chavez County Sheriff, FNU
TUCKER, Deputy Sheriff, and FNU
CLARK, Deputy Sheriff,


Defendants.

ORDER DENYING MOTION FOR DEFAULT JUDGMENT

THIS MATTER is before the Court on *pro se* Plaintiff John G. Kimbrell's ("Kimbrell") Motion for Default Judgement [sic] [Doc. 13]. The Court considered the motion and Response [Doc. 18]. No reply was filed.

Kimbrell requests that the Court enter default judgment against Defendants, contending they failed to respond to the Complaint within the time prescribed by the State Rules of Civil Procedure and are, therefore, in default. However, this case was removed to federal court [Doc. 3], and, upon removal, is governed by Fed. R. Civ. P. 81(c). Defendants filed an answer within the time permitted under Fed. R. Civ. P. 81(c). Thus, they are not in default.

IT IS THEREFORE ORDERED that Kimbrell's Motion for Default Judgment is DENIED.



W. Daniel Schneider
United States Magistrate Judge